

Appln. No. 10/034,100

Attorney Docket No. 10541-628

**II. Remarks**

Claims 1-5, 7-9, 11-15, 18-19, 29-33, and 35-37 are rejected and pending. By this paper, Applicants are amending Claims 1, 7, 11, 29, and 35; and canceling Claims 6, 16, 17 and 34. Accordingly, after entering this amendment, Claims 1-5, 7-9, 11-15, 18-19, 29-33, and 35-37 remain pending.

Reconsideration and further examination of this application are respectfully requested.

***Claim Clarifications***

Claim 7 has been amended to depend from independent Claim 1 and Claim 35 has been amended to depend from independent Claim 29.

***Claim Rejections – 35 U.S.C. § 102***

Responsive to the rejection of Claims 29-33 under 35 U.S.C. § 102(b) as being anticipated by *Hiramatsu et al*, Claim 29 has been amended to recite that the *axis of rotation of the skirt is located within the body of the piston at the second end of the body*. (Emphasis added).

*Hiramatsu et al* fail to disclose a skirt having an axis of rotation located within the piston. Rather, the axis of rotation for the skirt L1 disclosed by *Hiramatsu et al* is located at the center point of the swash plate 19, which is not within the piston 21. (*Hiramatsu et al*, col. 3, line 63 – col. 4, line 8, Figure 3). Therefore, *Hiramatsu et al* fail to anticipate each and every element of Claim 29.

Claims 30-33 depend from Claim 29. Therefore, for the reasons discussed above, claims 30-33 are not anticipated by *Hiramatsu et al*.

***Claim Rejections – 35 U.S.C. § 103*****Rejection of Claims 1-9**

Responsive to the rejection of Claims 1-9 under 35 U.S.C. § 103 as being unpatentable over *Rasmussen* in view of *Kanai et al*, Claim 1 has been amended to recite that the *axis of rotation of the skirt is located within the body of the piston at the second end of the body*. (Emphasis added).

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*Rasmussen* fails to disclose a skirt having an axis of rotation located within the body of the piston. Rather, the axis of rotation for the skirt 19 disclosed by *Rasmussen* does not intersect the piston body 4 at the second end (point not labeled where the skirt 5 extends from the piston 4). (*Rasmussen*, col. 3, line 51 – col. 4, line 24, Figure 1).

Additionally, *Kanai* et al also fail to disclose a skirt having an axis of rotation located within the piston. Rather, *Kanai* et al discloses a piston 7 having a skirt 73 without an axis of rotation. (*Kanai* et al, col. 3, line 59 – col. 4, line 4, Figure 2). Therefore, *Rasmussen* does not anticipate Claim 1.

Thus, the combination of *Kanai* et al and *Rasmussen* fails to cure the deficiencies of the individual references. Neither reference suggests or provides motivation to modify the disclosed embodiments to have a skirt having an axis of rotation located within the body at the second end of the body, as recited in Claim 1.

Claims 2-5 and 8-9 generally depend from Claim 1. Therefore, for the reasons discussed above, claims 1-5 and 8-9 are allowable for the reasons provided above.

#### Rejection of Claims 11-16, 18 and 19

Responsive to the rejection of Claims 11-16, 18 and 19 under 35 U.S.C. § 103 as being unpatentable over *Rasmussen*, Claim 11 has been amended to recite that the axis of rotation of the skirt is located *within the body of the piston at the bottom end of the body*. (Emphasis added).

*Rasmussen* fails to disclose a skirt having an axis of rotation located within the body of the piston at the bottom end of the body. Rather, the axis of rotation for the skirt 19 disclosed by *Rasmussen* does not intersect the piston body 4 at the bottom end of the body (point not labeled where the skirt 5 extends from the piston 4). (*Rasmussen*, col. 3, line 51 – col. 4, line 24, Figure 1). Furthermore, *Rasmussen* fails to provide motivation or suggestion to modify the disclosed embodiments to have a skirt having an axis of rotation located within the body at the bottom end of the body, as recited in Claim 11.

Claims 12-16, 18 and 19 depend generally from Claim 11. Therefore, for the reasons discussed above, claims 12-16, 18 and 19 are allowable.

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**Rejection of Claims 29-37**

Responsive to the rejection of Claims 29-37 under 35 U.S.C. § 103 as being unpatentable over *Rasmussen* in view of *Hiramatsu et al*, Claim 29 has been amended to recite that the *axis of rotation of the skirt is located within the body of the piston at the second end of the body*. (Emphasis added).

*Rasmussen* fails to disclose a skirt having an axis of rotation located within the body of the piston. Rather, the axis of rotation for the skirt 19 disclosed by *Rasmussen* does not intersect the piston body 4 at the second end (point not labeled where the skirt 5 extends from the piston 4). (*Rasmussen*, col. 3, line 51 – col. 4, line 24, Figure 1).

Additionally, *Hiramatsu et al* fail to disclose a skirt having an axis of rotation located within the piston. Rather, the axis of rotation for the skirt L1 disclosed by *Hiramatsu et al* is located at the center point of the swash plate 19, which is not within the piston 21. (*Hiramatsu et al*, col. 3, line 63 – col. 4, line 8, Figure 3). Thus, the combination of *Rasmussen* and *Hiramatsu et al* fails to cure the deficiencies of the individual references. Neither reference suggests or provides motivation to modify the disclosed embodiments to have a skirt having an axis of rotation located within the body of the piston at the second end of the body, as recited in Claim 29.

Claims 30-33 and 36-37 depend from Claim 29. Therefore, for the reasons discussed above, claims 30-33 and 36-37 are allowable.

**Conclusion**

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the Examiner grant early allowance of these claims. The Examiner is invited to contact

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the undersigned attorneys for the Applicants via telephone number (734) 302-6000,  
if such communication would expedite this application.

Respectfully submitted,

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